Thwaites, *Appellant.*
Dye & al' *Reſpondents.*

The Lady Bridgman's CASE.

THe Queſtion in this Caſe was, Whether a Settlement made by old Capt. *Thwaites* the Grand-father, the 12th of *December*, 1678, had been razed or altered after the Execution thereof.

Note, If it hath been razed or altered after the Execution, the Cauſe is with the Reſpondents, and it is now found by two Verdicts at Law, that the ſaid Deed was razed and altered after the Execution thereof.

15 *June*, 1683. After an Hearing in the Exchequer, when Matters were freſh in Memory, and the Witneſſes living, upon a ſolemn Trial at Bar, the Jury found that the Deed was razed and altered after the Execution thereof; and a Decree in the Exchequer was then made accordingly.

This Matter reſted in quiet for many Years, and the Reſpondent *Dye* wanting Monies, the Lady *Bridgman* (being adviſed by her Councel, that after ſuch a Trial and Decree, the Title was ſafe and good) did upon a Mortgage of the ſaid Eſtate, lend *Dye* 2000 *l.* which is all ſtill due and owing to her, and many Years Intereſt for the ſame.

Decemb. 1689. An Appeal was brought from this Decree.

25 *April*, 1690. Upon hearing the Cauſe, the Lords were pleaſed to open the Decree, ſo far as to give Liberty to try the Cauſe again, but the Appellant reſting quiet for eight Years, and not proceeding therein,

April, 1698. The Lady *Bridgman* (who was now forced to follow and look after the Cauſe) applied to diſcharge the Order for another Trial.

23 *May*, 1698. The Lords was pleaſed to Order that the ſaid intended new Trial ſhould be had within a Year then next,— But that being not done,

23 *March*, 1699. The Lady *Bridgman* applied again to the Lords, who were pleaſed then to Order that the Trial ſhould be had before the end of *Michaelmas*-Term after.

Trin' Term, 1700. A Trial was had, and (by Surpriſe, and againſt the Weight of the Evidence, as ſhe was adviſed) a Verdict was given contrary to the former Verdict; whereupon, the Lady *Bridgman* applied to the Lords for Liberty to try it again, in regard ſhe had as much Money upon the Eſtate as it was worth, and ſhould looſe it all, if the laſt Trial ſtood, *Dye* the Mortgager being an Inſolvent Perſon.

10 *June*, 1701. The Lords were pleaſed to direct a new Trial upon Payment of Coſts, and that the Lady *Bridgman* in the Name of *Dye*, might defend the ſame, and the Lady *Bridgman* having accordingly paid 52 *l.* Coſts,

19 *Novemb.* 1701. A very ſolemn Trial was had by a ſpecial Jury of Gentlemen of the beſt Quality in *Middleſex*, at the Bar of the Court of Exchequer (and which laſted almoſt two Days and a Night before the Verdict given) who found and gave their Verdict agreeable with the firſt Trial that the Deed was razed and altered after the Execution thereof.

The ſaid Lady therefore humbly Prays (ſhe being an innocent Mortgagee for more than the Value of the Lands, and having had two ſolemn Verdicts in Affirmance of the Title) that the Appeal may be diſmiſt, and the Decree in the Exchequer affirmed, and that ſhe may have the Coſts of theſe Proceedings, and of the laſt Trial, ſhe being the Perſon that hath been at the Charges thereof.

Sam. Dodd.

THWAITES

THE CASE OF The Lady *Bridgman*.

To be heard on *Wednesday* the 4th of *March*.

an friday ye 6th